Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
02.	28.06.07	Present: Mr. N.B. Khatiwada, Sr. Advocate with Mr. Dhurba Tewari, Advocate for the Petitioner. Mr. J.B. Pradhan, Public Prosecutor for the State. ... This is the third Bail Application before the High Court. The learned District Judge, Mr. Tashi Wangdi having jurisdiction at Namchi has also rejected a Bail Application made before the Sessions Court. The accused is a night Chowkidar. He is accused of murdering his wife. The incident took place around 5.30 PM on 25.3.2007. The Charge-sheet has been filed. The charges are about to be drawn up and the trial is about to commence. The prosecution has given a list of 26 witnesses including the eldest son of the deceased and the accused, who is an 8 year old boy reading in Class - III.	

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The family consisted of the accused, the deceased, their two children, both boys, respectively 8 and 5 years old, the mother of the accused aged between 60 and 70 and a deaf and dumb sister of the accused.

In the Section 161 statement, the eldest son stated amongst other things that he is scared of his father, that he was always drunk and that his parents had quarrels.

It seems that the two children are now living with their "Indira Aunty".

One of the reasons given by the Sessions Court for refusing bail was that the maximum punishment in the case is death or life imprisonment and in the circumstances, the time was not ripe for discharging the accused on bail.

The circumstances indicate that the trial is about to commence. If the accused is enlarged on bail and he does not abscond, he is bound to live either with or in close proximity to his family. At least one of the

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family has already been cited as a witness. If the accused lives as an extremely close relation or neighbour of a witness or witnesses, the evidence is, in the most natural course of things, very likely to be altered from what it would have been otherwise.

In these circumstances, at least until the examination of the family and the close neighbours is concluded, it would be very difficult for any Court to grant bail. However, the order and the observations are without prejudice and these cannot take away the legal right of the accused to make future bail applications under appropriate circumstances.

The Application for Bail is rejected.

A.N. Ray

(A.N. Ray, CJ)

A Copy of order forwarded to Sessions Judge, Nanded on 2/7/03. Bail bonds 2/7/03